

**TESTIMONY BEFORE THE HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON HUMAN RIGHTS AND WELLNESS OF THE
GOVERNMENT REFORM COMMITTEE**

**Trafficking in Persons: The Federal Government's Approach to
Eradicate this Worldwide Problem**

Recommendations on Trafficking in Persons Report June 2004

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Room 2154 Rayburn House Office Building

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Congressman Burton, chair of Committee, Ladies and Gentlemen,

Thank you for the pleasure and honor of speaking with you this afternoon on behalf of nongovernmental organizations working to combat trafficking and the thousands of survivors of trafficking and their families that are working hard to rebuild their lives. I would also like to commend Congressman Burton and Congresswoman Watson for their leadership in championing the rights of survivors of trafficking.

As the Staff Attorney at the Coalition to Abolish Slavery & Trafficking, I have been privileged to work collaboratively with nongovernmental organizations, pro bono attorneys, and law enforcement officials to ensure that survivors of trafficking receive comprehensive legal services. Since its inception in 1998, CAST has been dedicated exclusively to assisting all victims of human trafficking and modern-day slavery and working towards ending all instances of such human rights violations. CAST achieves its mission by providing social and legal services to victims, conducting training and advocacy to improve survivors' access to services and resources. CAST's activities are interconnected by a client-centered approach that seeks to empower trafficked victims to fully realize their individual potential while advancing the human rights of all trafficked persons, including victims of sex trafficking, domestic worker trafficking, and garment worker trafficking, to name but a few. CAST has been a trailblazer since its establishment by creating a social services model tailored to the needs of trafficking survivors and drafting a comprehensive training curriculum with its partners to provide practitioners with the tools to better serve trafficking victims. The latest milestone in CAST's continued leadership in the anti-trafficking movement is that it opened the first shelter for trafficking survivors in the country.

This afternoon, I would like to talk about the recently published Trafficking in Persons (TIP) Report 2004, which chronicles anti-trafficking efforts of 140 countries worldwide and places them in one of three tiers based on their performances. The U.S. government has linked the tier-system to non-humanitarian aid to put pressure on countries that have not made substantial efforts to curb trafficking.

I would like to convey our recommendations on ways the U.S. government could strengthen its efforts to combat trafficking and assist victims of trafficking, both at home and abroad. Human trafficking is a global problem that requires a global response. Globalization, along with the easy flow of information and goods thanks to technological advances, has made trafficking harder to track and easier to hide. Victims are trafficked through multiple routes and various transit points before they arrive in the U.S.. Therefore, it is imperative that the TIP Report take a holistic approach to combating trafficking rather than compartmentalizing trafficking happening in and outside of the U.S.. Treating trafficking in and outside of the U.S. as separate may not reflect the multi-dimensional aspects of the problem and provide a full scope of the issue. The foreign governments' activities need to be linked to U.S. government's efforts to provide a complete picture of the trafficking problem and to be able to tackle it. Furthermore, nongovernmental organizations both in and outside of the U.S. can work closely with foreign and U.S. governments to share their expertise and ground experience in

formulating a multi-pronged response. This approach may facilitate collaboration between governments and enhance relations to mobilize for a common cause.

We urge the U.S. government to: 1) Improve implementation of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), 2) Expand efforts to prevent trafficking from source countries, and 3) Increase its collaborative efforts with nongovernmental organizations nationwide and worldwide that serve victims of trafficking.

Landmark Trafficking Legislation

In 2000, thanks to the wisdom and leadership of Congress and anti-trafficking advocates nationwide, the VTVPA was passed to prosecute traffickers, protect victims of trafficking and prevent further trafficking. The landmark legislation, which is one of the most comprehensive in the world, criminalized trafficking for the first time and granted benefits to victims of trafficking provided they cooperate in a federal investigation. To date, not one single trafficker has been prosecuted under the new trafficking statute introduced in the VTVPA. Instead, they have been convicted of existing statutes, such as human smuggling and kidnapping, which usually carry lighter prison sentences. The new trafficking statute could carry a 20-year prison sentence with a maximum life sentence for some offenses, and this statute has yet to be applied in trafficking cases. Traffickers ought to pay for their crimes, especially if the legal measures to prosecute them already exist.

The number of investigations and benefits issuance has grown significantly since the VTVPA was enacted. Yet the absolute number of investigations and prosecutions of traffickers, certification letters that would allow victims to receive benefits, and T-visas that would allow victims to stabilize their immigration status and focus on rebuilding their lives, has room for improvement.

As of April 2004, the Department of Justice's Criminal Section of the Civil Rights Division had 153 open trafficking investigations. There were 26 convictions in all of FY2003. The Department of Health & Human Services granted 151 certifications and benefits eligibility letters in FY2003. As of November 2003, the Department of Homeland Security approved 328 – or less than half – of the 757 T-visa applications filed. The VTVPA mandates an annual quota of 5,000 T-Visas or nearly 20,000 over four years since it was passed. The numbers indicate that the VTVPA assists less than three percent of the estimated 14,500 to 17,500 victims trafficked into the U.S. every year. When we consider this figure to be an underestimate, the portion of victims receiving assistance is even smaller. Current Administration officials have set trafficking as a top priority for its government. It is safe to say that the VTVPA and its supporters had not intended to have traffickers going unpunished for this heinous crime and victims left without proper immigration status, work permits or basic survival necessities.

What Tier is the U.S.?

CAST commends the U.S. government on its outreach campaign to raise awareness on trafficking in the U.S.. As the wealthiest nation in the world, the U.S. is a major destination country with its alluring promise of the American Dream. Yet the TIP Report does not mention how the U.S. government works with its embassies and consulates worldwide to provide information in various languages about workers' rights and immigrants' rights to all foreign nationals applying for a visa to enter the U.S.. Many trafficking victims receive inaccurate information from their traffickers before, during and after enslavement, and many are threatened with wrong information to prevent them from escaping. We at CAST have seen many instances where the very knowledge of one's rights in the U.S. could have saved a slavery victim from further abuse and possible death. Victims usually do not self-identify as victims of trafficking because they are isolated, threatened and live in fear for their well-being under the thumb of the traffickers. In fact, this lack of self-identification as victims of trafficking is one of the biggest obstacles in discovering and identifying victims of trafficking. Once they become aware that what is being done to them is a violation of their rights, it will become easier for them to come forward to denounce their traffickers.

International Forums on Trafficking

Conferences have been useful forums where practitioners of all backgrounds and ideologies congregate to exchange new ideas, best practices and lessons learned so that innovative programs will be replicated and tailored to meet the needs of victims enslaved in any U.S. state or country in the world. We would like to encourage the U.S. government to organize international conferences open to all practitioners at home and abroad to allow for transparent and free-flowing information and resources so that victims worldwide will be served in the most effective and efficient manner possible.

As the number of trafficked people grows exponentially and traffickers become savvier in skirting around law enforcement, it is critical that governments collaborate closely with nongovernmental organizations to find and assist victims. Furthermore, government estimates of the number of people trafficked into the U.S. every year has been changed from 50,000 in 1999 to 18,000-20,000 in 2003. In 2004, the estimate was further revised down to 14,500-17,500 a year, citing methodology changes rather than a decline in trafficked persons. CAST and many of the NGOs working in the field believe this number does not fully capture the scope of the trafficking problem in the U.S., and are concerned that trafficking may be misconstrued as a waning problem. CAST alone has served over 200 survivors of trafficking since its inception in 1998 and the Samoan case alone had another 200 survivors. While we recognize the difficulties associated with measuring this virtually invisible underground activity, we urge the government to apply a more consistent and accurate measurement tool to quantify this increasingly ubiquitous problem that could be as close to the average person as a neighboring home.

Conclusion

On behalf of CAST and other NGOs working to eradicate trafficking and assist victims of trafficking, we praise the work of the United States Congress in addressing one

of the most egregious human rights violations in the world today and look forward to continuing to collaborate closely with members of Congress to protect survivors and abolish human trafficking in all of its forms.

Thank you.